

IN THE HIGH COURT OF JUDICATURE AT PATNA

FA No.95 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

1. RAJENDRA YADAV
2. GULO YADAV
3. BALMIKI YADAV, ALL SONS OF DURGA RAUT OF VILLAGE KOJHI (GHORPATI) P.S. & DISTRICT - BANKA

with

FA No.96 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

DASIYA DEVI W/O MAHADEO YADAV & ORS.,  
RESIDENT OF VILLAGE – KOJHI (MANJHLI), P.S. &  
DISTRICT - BANKA

with

FA No.97 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

ABNISH KUMAR S/O AYODHYA YADAV, R/O  
VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with

FA No.98 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

ABNISH KUMAR S/O LATE AYODHYA YADAV, R/O  
VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with

FA No.99 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

ABNISH KUMAR S/O LATE AYODHYA YADAV, R/O VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with

FA No.100 of 2005

- 1.STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

DEOKI YADAV S/O LATE KATKI YADAV R/O VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA -

with

FA No.102 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

ABNISH KUMAR S/O LATE LATE AYODHYA YADAV, R/O VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with

FA No.104 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM PROJECT, WATER RESOURCES DEPARTMENT, BHAGALPUR

Versus

FUDEO YADAV S/O CHUTAI YADAV OF VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with  
FA No.105 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,  
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM  
PROJECT, WATER RESOURCES DEPARTMENT,  
BHAGALPUR

Versus  
CHANDER YADAV S/O KAILU YADAV R/O VILLAGE  
KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with  
FA No.107 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,  
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM  
PROJECT, WATER RESOURCES DEPARTMENT,  
BHAGALPUR

Versus  
NAND KISHORE YADAV S/O KARTIK YADAV R/O  
VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

with  
FA No.108 of 2005

1. STATE OF BIHAR THROUGH COLLECTOR, BANKA,  
2. SPECIAL LAND ACQUISITION OFFICER, MEDIUM  
PROJECT, WATER RESOURCES DEPARTMENT,  
BHAGALPUR

Versus  
PARMANAND YADAV S/O JANARDHAN YADAV,  
VILLAGE KOJHI (MANJHLI) P.S. & DISTRICT - BANKA

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For the Appellants: Mr. Sanjay Kumar, GP XIV  
For the Respondents: Mr. Vinod Shankar Modi, Advocate  
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yet on the consent of learned counsel for the parties we have heard both of them on the question of admission and final disposal.

Admit.

At this juncture, learned counsel for the parties fairly agreed that the appeals can be disposed of on merits and accordingly they are dealt with on merits.

The present appeals have been preferred under section 54 of the Land Acquisition Act, 1894 against a common award dated 29<sup>th</sup> September, 2004 passed in L.A. Ref. Case nos.65, 187, 82, 173, 172, 66, 181, 75, 67, 80 & 85 of 1997. The reference court has enhanced the compensation amount on average basis by which it has travelled beyond the amount claimed. In all the claim cases, the claim put forth is upto Rs.25000/- to Rs. 30000/- per acre. It is submitted by Mr. Sanjay Kumar, learned counsel for the State, that the reference court could not have travelled beyond the amount claimed. He has placed reliance in ***Babu Yogendra Nath Singh Vs. Collector Seoni***, AIR 1977 SC 1128.

Per contra, Mr. Vinod Shankar Modi,

learned counsel for the respondents submitted that a just award is to be passed. He has referred to Exts. 1 & 1/A. Ext. 1 relates to the year 1977. Eleven decimals of land was sold for Rs.1500/-. Ext.1/A is of the year 1984, whereby 1.25 decimals of land was sold for Rs.1318/-.

In view of aforesaid, I am of the considered opinion that the award passed by the reference court is erroneous and it is reduced and restricted to Rs.30,000/- per acre. The amount awarded on other scores is maintained. The interest shall be paid on the entire amount of compensation and solatium.

The appeals are allowed in part. The parties shall bear their respective cost throughout.

Neyaz/

(Dipak Misra, CJ.)

